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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
(SOUTHERN DIVISION – SANTA ANA)

In Re: Toyota Motor Corp. Unintended
Acceleration Marketing, Sales
Practices, and Products Liability Litigation

This document relates to:

PERSONAL INJURY/WRONGFUL DEATH
CASES

) Case No. 8:10ML02151 JVS (FMOx)

)
) Assigned to: Hon. James V. Selna
) Discovery: Mag. Fernando M. Olguin

)
) AMENDED NOTICE OF MOTION
) OF DEFENDANTS TOYOTA MOTOR
) SALES, U.S.A., INC., TOYOTA MOTOR
) CORPORATION, TOYOTA MOTOR
) NORTH AMERICA, INC., TOYOTA
) MOTOR ENGINEERING &
) MANUFACTURING NORTH AMERICA,
) INC., TOYOTA MOTOR
) MANUFACTURING, CALIFORNIA, INC.
) AND CTS CORPORATION TO DISMISS
) CERTAIN CLAIMS FOR FAILURE TO
) STATE A CLAIM

DATE: December 9, 2010
TIME: 9:00 AM
DEPT: Courtroom 10C

AMENDED NOTICE OF MOTION

TO ALL PARTIES AND TO THEIR RESPECTIVE COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on December 9, 2010 at 9:00 a.m. or as soon thereafter as the matter may be heard in Courtroom 10C of the Ronald Reagan Federal Building and U.S. Courthouse at 411 W. Fourth Street, Santa Ana, California, defendants Toyota Motor Sales, U.S.A., Inc., Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America, Inc., Toyota Motor Manufacturing California, Inc. and CTS Corporation ("Toyota Defendants") will move this Court for dismissal of certain claims that are common to all or most of the actions that have been filed in the personal injury / wrongful death actions.

This amended notice is being filed to include actions that have been amended, filed or transferred into the MDL since the original notice of motion and motion (Document No. 335) was filed on September 13, 2010.

The following actions have been voluntarily dismissed since the September 13, 2010, notice of motion and motion was filed:

Broden, (2:10CV02228 JVS (FMOx));

Cangelosi, (2:10CV01997 JVS (FMOx));

Devlin, (8:10CV00616 JVS (FMOx));

Krieger, (2:10CV01753 JVS (FMOx));

Lauderdale, (2:10CV02940 JVS (FMOx));

Warren, (2:10CV06088 JVS (FMOx))

The following complaints were amended and filed after September 13, 2010:

Akamike, (2:10CV06081) JVS (FMOx));

Aukland, (2:10CV06082 JVS (FMOx));

Donoghue, (2:10CV01057 JVS (FMOx));

1 Roberts, (2:10CV06088 JVS (FMOx));

2 Ross, (2:10CV05700 JVS (FMOx));

3 Wachtel, (2:10CV03899 JVS (FMOx));

4 Williams, R., (2:10CV01438 JVS (FMOx))

5 The following new actions have either been filed or transferred into the MDL from
6 other District Courts since the September 13, 2010 motion was filed:

7 Devereaux, (SACV10-01767 JVS (FMOx));

8 Hughes, (8:10CV01461 JVS (FMOx));

9 Ifergan, (SACV10-01543 JVS (FMOx));

10 Knighton, (2:10CV05463 JVS (FMOx));

11 Martell, (2:10CV07868 JVS (FMOx));

12 Reigel-Breit, (2:10CV06329 JVS (FMOx));

13 Slocum, (SACV10-0 JVS (FMOx))

14 Turner, (2:10CV05461 JVS (FMOx));

15 Khakli, (SACV10-01770 JVS (FMOx))

16 The following actions will be included in the next Conditional Transfer Order and are
17 expected to be in the MDL by December 9, 2010.

18 Crozier, (2:10CV02572-KHV-DJM (D. Kan.))

19 Hawes, (2:10CV150-B-A (N. D. Miss., Delta Div.))

20 Finally, Schreckengost, (2:10CV06088 JVS (FMOx)) was voluntarily dismissed and
21 subsequently re-filed in United States District Court for the Middle District of Florida and is
22 awaiting a ruling by the Judicial Panel on Multidistrict Litigation ("JPML") concerning the
23 transfer of the action for inclusion in MDL No. 2151

24 The dismissal chart below has been amended to reflect the complaints that have
25 been voluntarily dismissed, amended, or added to the MDL since September 13, 2010.

Amended Dismissal Chart

Case Name and Number	1. Negligence & Strict Products Liability - ETCS-i	2A. Implied Warranty	2B. Express Warranty	3. Particular Purpose Warranty	4. The Covenant of Good Faith & Fair Dealing	5. Fraudulent Concealment	6. Misrepresentation	7. Unfair Comp. and /or False Advertising	8. Failure to Plead Fraud w/ Particularity - Rule 9(b)
Akamike (FAC) 10/1/10 2:10CV06081 JVS (FMOx)	x	x		x	x	x			x
Aukland (FAC) 10/1/10 2:10CV06082 JVS (FMOx)	x	x		x	x	x			x
Barlow (FAC) 9/10/10 2:10CV01902 JVS (FMOx)	x	x		x		x			x
Bond (FAC) 9/13/10 2:10CV03565 JVS (FMOx)	x	x		x		x			x
Burack (FAC) 5/12/10 2:10CV03254 JVS (FMOx)	x	x	x						
Carmichael (FAC) 8/18/10 2:10CV02943 JVS (FMOx)	x	x	x			x			x
Chang (FAC) 9/8/10 2:10CV01993 JVS (FMOx)	x	x		x		x			x
Christian (FAC) 9/10/10 2:10CV01806 JVS (FMOx)	x	x		x		x			x
Crank (FAC) 9/10/10 2:10CV01821 JVS (FMOx)	x	x		x		x			x
Crozier 2:10CV02572-KHV-DJM (D. Kan.)	x								
Cruikshank 8:10CV00780 JVS (FMOx)	x	x	x	x		x			x
Devereaux M.D. FL, Div. 8, No. 10-01908	x		x	x					
Dion 2:10CV03237 JVS (FMOx)	x	x		x		x		x	x
Donoghue (FAC) 9/14/10 2:10CV01057 JVS (FMOx)	x	x		x		x			x
Elmes SACV10-01376 JVS (FMOx)	x	x	x						
Flury (FAC) 9/13/10 2:10CV01584 JVS (FMOx)	x	x		x		x			x
Fontenot 8:10CV00748 JVS (FMOx)	x	x					x		x
Fox (FAC) 9/10/10 8:10CV00604 JVS (FMOx)	x	x		x		x			x
Green SACV10-01366 JVS (FMOx)	x								

Case Name and Number	1. Negligence & Strict Products Liability- ETCS-i	2A. Implied Warranty	2B. Express Warranty	3. Particular Purpose Warranty	4. The Covenant of Good Faith & Fair Dealing	5. Fraudulent Concealment	6. Misrepresentation	7. Unfair Comp. and /or False Advertising	8. Failure to Plead Fraud w/ Particularity – Rule 9(b)
Hanna (FAC) 9/13/10 2:10CV01756 JVS (FMOx)	x	x		x		x			x
Hawes 2:10CV150-B-A (N. D. Miss., Delta Division)	x	x							
Hughes 8:10CV01461 JVS (FMOx)	x	x	x		x	x	x		x
Ifergan SACV10-01543 JVS (FMOx)	x	x							
Izenstark SACV10-01367 JVS (FMOx)	x								
Jimerson 8:10CV00997 JVS (FMOx)	x	x							
G. Johnson 8:10CV00575 JVS (FMOx)	x	x							
King (FAC) 5/12/10 2:10CV03255 JVS (FMOx)	x								
Knighton (FAC) 10/1/10 2:10CV05463 JVS (FMOx)	x	x		x		x			x
Livingston (FAC) 9/10/10 2:10CV01290 JVS (FMOx)	x	x		x		x			x
Martell 2:10CV07868 JVS (FMOx)	x	x		x		x			x
Mitchell 8:10CV01206 JVS (FMOx)	x	x	x						
Morgan 8:10CV00999 JVS (FMOx)	x	x	x			x	x		x
Murphy 8:10CV00749 JVS (FMOx)	x	x	x	x					
Pittman 2:10CV00761 [unassigned]*	x	x	x			x	x		x
Reigel-Breit 2:10CV06329 JVS (FMOx)	x	x	x	x		x			x
Rhooms 2:10CV02944 JVS (FMOx)	x	x	x			x			x
Roberts (FAC) 10/12/10 2:10CV01986 JVS (FMOx)	x	x		x		x			x
Rookard 8:10CV01004 JVS (FMOx)	x	x							
Ross (FAC) 10/1/10 2:10CV05700 JVS (FMOx)	x	x		x		x			x

Case Name and Number	1. Negligence & Strict Products Liability - ETCS-i	2A. Implied Warranty	2B. Express Warranty	3. Particular Purpose Warranty	4. The Covenant of Good Faith & Fair Dealing	5. Fraudulent Concealment	6. Misrepresentation	7. Unfair Comp. and /or False Advertising	8. Failure to Plead Fraud w/ Particularity – Rule 9(b)
Schwartz 2:10CV00710 JVS (FMOx)	x	x		x				x	x
Scott 8:10CV1156 JVS (FMOx)	x	x	x			x			x
Sims 8:10CV00998 JVS (FMOx)	x								
Slocum W.D. LA., Div. 3, No. 10-1322	x	x				x			x
St. John SACV10-01460 JVS (FMOx)	x								
Turner (FAC) 10/1/10 2:10CV05461 JVS (FMOx)	x	x		x		x			x
Wachtel (FAC) 10/1/10 2:10CV03899 JVS (FMOx)	x	x		x		x			x
Weinberger (FAC) 4/30/10 8:10CV01002 JVS (FMOx)	x	x	x			x			x
West (FAC) 6/24/10 2:10CV02938 JVS (FMOx)	x	x	x			x		x	x
Williams, H. (FAC) 9/13/10 2:10CV01366 JVS (FMOx)	x	x		x		x			x
Williams, R. (TAC) 11/4/10 2:10CV01438 JVS (FMOx)	x	x	x			x			x
Khakli SACV10-01770 JVS (FMOx)	x	x	x						

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1 This motion will be based upon this Amended Notice of Motion and Motion, the
2 Memorandum of Points and Authorities in support hereof, the Request for Judicial Notice,
3 on such oral and documentary evidence may be introduced at the time of the hearing, and
4 on all papers and pleadings on file with the court herein.

5 Dated: November 18, 2010

Respectfully submitted,

6 By: /s/ Vincent Galvin

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15 Lead Defense Counsel for Personal Injury/Wrongful
16 Death Cases
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